

BASIS FOR THE AMENDMENT

Claims 30, 31, and 34 have been amended.

Claim 35 has been added.

The amendment of Claim 30 and new Claim 35 are supported by page 8, lines 8-16.

The amendment of Claims 31 and 34 is supported by Claims 31 and 34 as originally filed and the structure of formulae 2 and 5. The specification has also been amended to clarify the structure of formulae 2 and 5.

No new matter is believed to have been entered by the present amendment.

REMARKS

Claims 1-35 are pending in the present application.

At the outset, Applicants wish to thank Examiner Oh for the helpful and courteous discussion conducted with their undersigned U.S. Representative on April 2, 2003.

Applicants also wish to thank Examiner Oh for the indication that the amendments filed on March 4, 2003 are sufficient to overcome the previous rejections of record.

With respect to non-elected Claims 30-34, Applicants remind the Examiner that MPEP §821.04 states:

...if applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Since the elected claims are now allowable, the non-elected claims *must* be rejoined under the provisions of MPEP §821.04. In order to ensure that the rejoined method claims are free of any issues under 35 U.S.C. §112, first or second paragraphs, Applicants have

amended herein Claims 30, 31, and 34 to be structurally consistent with formula 1 and to define the term "substance," which the Examiner found to be vague and indefinite.

Applicants request entry of the amendment presented herein and subsequent allowance of all pending claims.

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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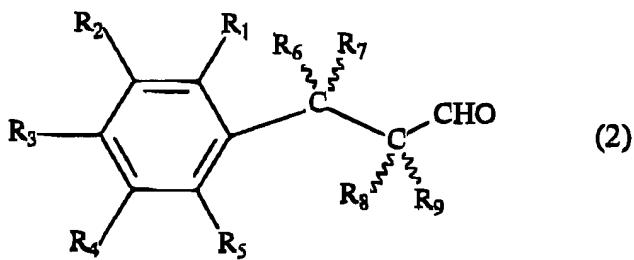
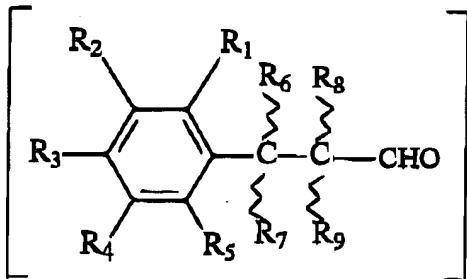
Docket No.: 203348US0CONT

Serial No.: 09/809,197

MARKED-UP COPYIN THE SPECIFICATION

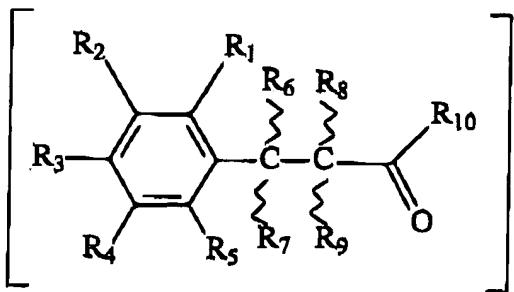
Please replace the paragraph beginning on page 8, line 25 with the following text:

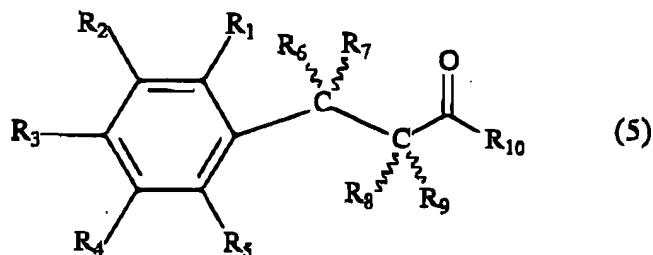
The compound of formula (1), where R₁₀ is a hydrogen atom, can be prepared by reacting under reductive alkylation conditions an aldehyde having the formula (2):



Please replace the paragraph beginning on page 10, line 1 with the following text:

The compound of formula (1), where R₁₀ is a hydrogen atom, can be prepared by reacting under reductive alkylation conditions an aldehyde having the formula (5):





where R_1 , R_2 , R_3 , R_4 , R_5 , R_6 , R_7 , R_8 , R_9 and R_{10} have the same meanings as R_1 , R_2 , R_3 , R_4 , R_5 , R_6 , R_7 , R_8 , R_9 and R_{10} , respectively in formula (1);

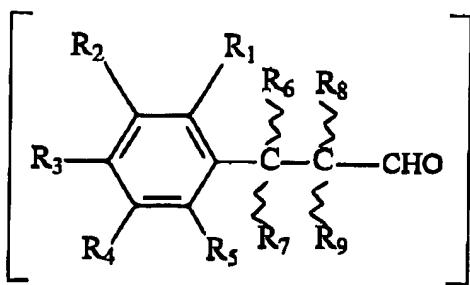
IN THE CLAIMS

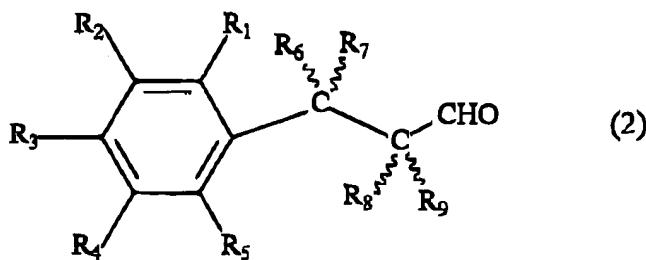
Please amend the claims as follows:

30. (Amended) A method of imparting sweetness into a substance comprising adding at least one compound of claim 1 to said substance, wherein said substance is selected from the group consisting of a food item, a beverage, a soft-drink, a fruit juice, a tea, water, a confectionery, chewing gum, a hygiene product, a toiletry, a cosmetic, a pharmaceutical product and a veterinary product.

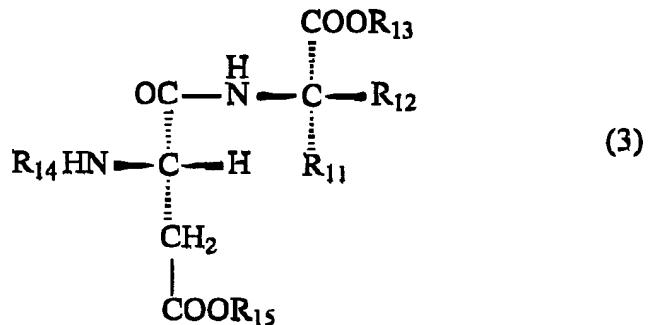
31. (Amended) A method of producing the compound as defined in claim 1, wherein R_{10} is a hydrogen atom comprising:

reacting under reductive alkylation conditions an aldehyde having the formula (2):





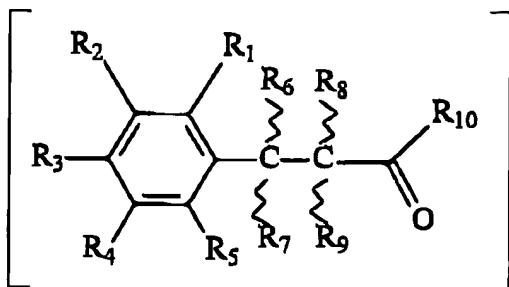
wherein R_1 , R_2 , R_3 , R_4 , R_5 , R_6 , R_7 , R_8 and R_9 have the same meanings as R_1 , R_2 , R_3 , R_4 , R_5 , R_6 , R_7 , R_8 and R_9 , respectively in the above formula (1), with an aspartame compound having the formula (3):

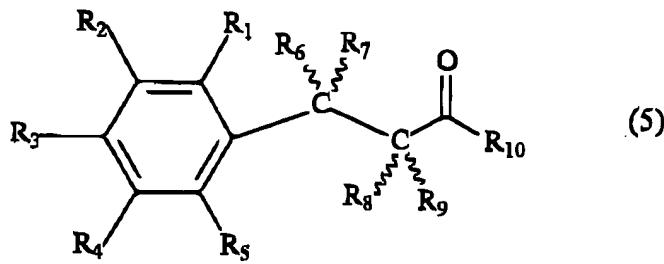


wherein R_{11} , R_{12} and R_{13} in formula (3) have the same meanings as R_{11} , R_{12} and R_{13} in formula (1), R_{14} is a hydrogen atom or a substituent which can be converted into a hydrogen atom and R_{15} is a hydrogen atom, benzyl group or a substituent which may be used to protect a carboxyl group.

34. (Amended) A method of producing the compound as defined in claim 1, comprising:

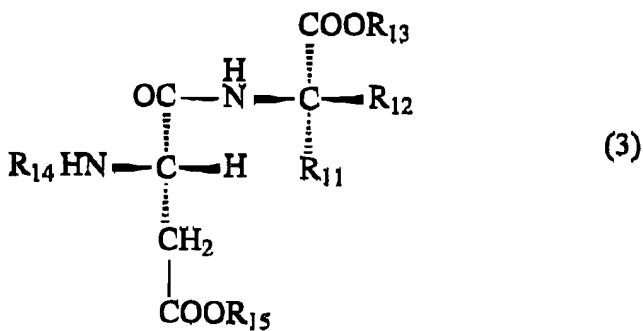
reacting under reductive alkylation conditions an aldehyde having the formula (5):





wherein R₁, R₂, R₃, R₄, R₅, R₆, R₇, R₈, R₉ and R₁₀ have the same meanings as R₁, R₂, R₃, R₄, R₅, R₆, R₇, R₈, R₉ and R₁₀, respectively in formula (1);

with an aspartame compound having the formula (3):



wherein R₁₁, R₁₂ and R₁₃ in formula (3) have the same meanings as R₁₁, R₁₂ and R₁₃ in formula (1), R₁₄ is a hydrogen atom or a substituent which can be converted into a hydrogen atom and R₁₅ is a hydrogen atom, benzyl group or a substituent which may be used to protect a carboxyl group.